

REMARKS

The last Office Action has been carefully considered.

After carefully considering the Examiner's grounds for the rejection of the claims on formal grounds, Applicants have substantiated claims 1-8 in formal aspects.

It is believed that the grounds for the formal objections are therefore eliminated.

I. It is respectfully submitted that claims 1-8 should be considered as patentably distinguishable with respect to the art and should be allowed.

1. The unique innovative feature of our invention is the idea to supply intermittent quantities of condensing matter (steam or vapor) rather than continuous. In addition, the flow of steam or vapor is staggered such that successive portions are supplied after the previous quantity of steam or vapor has condensed. When each successive condensation is completed there is a drop in the pressure or temperature of the condensing matter (steam or vapor) on the supply line to or on the discharge line from the condenser. The advantage of this solution is in the effective condensation of steam or vapor on the thermo-exchange surface when it becomes free of condensate. Also the control and maintenance of the system is significantly simplified. That is why the cited US Patent 5,005,351 by Archer is irrelevant to ours. Archer's system regulates the supply of cooling matter but not the condensing matter. This invention requires

complicated control systems that include measurement and analysis of many parameters of the cooling and condensing systems. However, it does not improve the effectiveness of the thermo-exchange between the condensing and cooling matters.

2. As opposed to our invention, the U.S. Patents 5,385,202 by Drosdziok relates to an invention that includes measurement and analysis parameters of the cooling system. According to the above explained reasons US Patent 5,385,202 diverges from our technical solution.

3. As opposed to our invention, U.S. Patent 5,488,828 by Brossard relates to inventions that include measurement and analysis of parameters of already condensed matter which is transferred to the turbine to produce electricity. According to the above explained reasons in paragraph 1, US Patent 5,488,828 diverges from our technical solution.

4. As opposed to our invention, U.S. Patent 5,471,622 by Kuwahara relates to inventions pertaining to the performance of the evaporator rather than performance of the condenser as in our system. According to the above explained reasons, US Patent 5,471,622 diverges from our technical solution.

5. As opposed to our invention, U.S. Patent 5,485,754 by Harpster relates to systems that measure the flow of air and water vapor within a vacuum. According to the above explained reasons, US Patent 5,485,754 diverges from our technical solution.

In order to arrive at claims 1-8 of the present invention the references have to be fundamentally modified.

However, it is known that in order to arrive at a claimed invention by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals such as in the decision in Randol and Redford (165 USPQ 586) that:

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Also, the present invention provides for highly advantageous results. It is well known that in order to support a valid rejection the art must also suggest that it would accomplish applicant's results. This was stated by the Patent Office Board of Appeals, in the case Ex parte Tanaka, Marushima and Takahashi (174 USPQ 38) as follows:

Claims are not rejected on the ground that it would be obvious to one of ordinary skill in the art to rewire prior art devices in order to accomplish applicants' result, since there is no suggestion in prior art that such a result could be accomplished by so modifying prior art devices.

II. The mistake in the claim 1 should be corrected and the paragraph:

1. The method of running a condenser for liquidation of steam or vapors having pipes and which is connected to the steam or vapor input line and to the line discharging condensation from said condenser, a controlling device installed on said steam or vapor input line, a pressure controller connected by a link to said steam or vapor input line and connected to said controlling device, said method consisting of the following steps:

- closing a controlling device when pressure in said steam or vapor input line is reduced,
- opening a controlling device when pressure in said steam or vapor input line is increased.

should read:

1. The method of running a condenser for liquidation of steam or vapors having pipes and which are connected to the steam or vapor input line and to the line discharging condensation from said condenser, a controlling device installed on said steam or vapor input line, a pressure controller connected by a link to said steam or vapor input line and connected to said controlling device, said method consisting of the following steps:

- closing a controlling device when pressure in said steam or vapor input line is reduced,
- opening a controlling device when pressure in said steam or vapor input line is increased.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment and the case be passed to issue. Any cost involved should be charged to the deposit account of the undersigned.

Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case, he is invited to telephone the undersigned at 570-620-1024 or 570-620-2017.

Respectfully submitted,

Mikhail Levitin